

BOARD OF COUNTY COMMISISONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
DECEMBER 14, 2004
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Thaeli presiding. Present were Commissioners Proctor, Sauls, Winchester, Rackleff, Grippa, and DePuy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Deputy Clerk Sandra C. O'Neal.

(Chairman Thaeli announced that Commissioner Grippa would be arriving at 6:00 p.m., that his flight was due in.)

Invocation was provided by Commissioner Proctor followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Chairman Thaeli presented the attached resolution to Gene Baker, Mosquito Control Director, in honor of his retirement, after 29 years of dedicated service to the County.
 - Chairman Thaeli presented the attached resolution to Mary Brown, Leon County Public Library, in honor of her retirement, after 33 years of dedicated service to the County.
 - Stan Rosenthal, Cooperative Extension, provided information on Florida's Forest Stewardship Program and presented plaques to Chairman Thaeli and Tony Park, Public Works Director, in recognition of the County's work on the Miccosukee Greenway and Alford Arm Greenways.
 - Commissioner Winchester presented a resolution recognizing Premier Chiropractic & Rehabilitation Center of Tallahassee, Sandco, Inc., and Premier Construction and Development for sponsorship of the "Tallahassee Thanksgiving 2004" Community Dinner for the homeless and the lonely, as well as acknowledging the Ghazvini family's many contributions to the community. Steve and Pete Ghazvini accepted the resolution on behalf of Sandco, Inc. and Premier Chiropractic & Rehabilitation Center of Tallahassee, respectively, and Pepper Ghazvini and Tom Asbury of Premier Construction, and Hossein Ghazvini, Ghazvini CEO.
1. Presentation by Joan Nabors on the Capital City Child Care Consortium

Ms. Nabors stated that there is a desire to provide childcare for the unmet needs, especially for infant and toddler care, in the downtown area. She requested the County appoint a Commission member to serve on a working group to determine the feasibility of establishing the Capital City Child Care Consortium (a work-site child care consortium). The Consortium would be created by interlocal agreement with participation from the State Department of Financial Services, City, County, and the Calhoun Street Downtown Babies, Inc., to explore the provision of funds, services, and facilities to implement and operate the Capital City Child Care Consortium.

Commissioner Grippa moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to place the appointment of a Commission member to the working group regarding the Capital City Child Care Consortium on the Tuesday, January 11, 2005 agenda.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve the Consent Agenda with the exception of items 10, 21, and 23 which were pulled for discussion and Item 19 was removed from the agenda:

1. Approval of Minutes

The Board approved Option 1: Approve the minutes for September 21, 2004 Regular meeting and October 26, 2004 Regular Meeting.

3. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for December 14, 2004, and pre-approve payment of bills and vouchers for the period of December 15, 2004 through January 10, 2005: \$4,464,620.16

4. Approval of Resolution and Budget Amendment Request Realizing Fund Balance of 911 Communications Capital Fund for the Procurement of the New 911 System

The Board approved Option 1: Approve the attached resolution and budget amendment realizing \$400,000 of the fund balance of the 911 Communications Capital Fund and transferring it to the Sheriff for the procurement of a new 911 system.

5. Acceptance of the FY 03/04 Annual Performance and Financial Report

The Board approved Option 1: Accept the FY 03/04 Annual Performance and Financial Report.

6. Approval of the Capital Region Transportation Planning Agency (CRTPA) Interlocal Agreement

The Board approved Option 1: Approve the Capital Region Transportation Planning Agency (CRTPA) interlocal agreement between the Florida Department of Transportation; the counties of Leon, Gadsden and Wakulla; the cities of Midway, Quincy, and Tallahassee; the town of Havana; and the Leon County School Board.

7. Approval of Six-Month Extension on the Dissolution of the Septic System Advisory Committee

The Board approved Option 1: Enact enabling resolution extending the date of dissolution of the Septic System Advisory Committee to June 30, 2005.

8. Adoption of the Leon County Flexible Benefits Plan – HIPPA Privacy Policy and Notice of Privacy Practices, and Adoption of the Combined Health Reimbursement and Department Care Assistance Flexible Benefits Plan Document with Fringe Benefit Management Corporation

The Board approved Options 1 and 2: 1) Adopt the Leon County Flexible Benefits Plan – HIPPA Privacy Policy No. 04-XX and Notice of Privacy Practices and include a reference to such policy in Section 6.08 – Flexible Benefits Plan of the Leon County Personnel Policies and Procedures Manual; 2) Approve the Flexible Spending Accounts Combined Health Reimbursement and Dependent Care Assistance Plan Document with FBMC and authorize the Chairman to execute.

9. Approval of Resolution Designating Property Located at 4755 Capital Circle NW as a Brownfield

The Board approved Option 1: Approve the attached Resolution R04-69 designating property located at 4755 Capital Circle as a Brownfield.

10. Approval to Modify the Comprehensive Plan Joint City/County Public Hearings Process

This item was pulled for discussion. Staff is seeking Board approval to change the Comprehensive Plan public hearing process to eliminate one of three Joint City and County Commission public hearings.

Wayne Tedder, Director of Tallahassee-Leon County Planning Department, explained the proposed process. He pointed out that although there are only two required hearings, there are three City/County public hearings and this item addresses possibly eliminating the superfluous meeting. Another suggestion is to have the City and County Planning Commissions sit as one body and hear the public comments at one time rather than bringing the public back. The Planning Commission recommended inviting only the Board and City Commission to the Planning Commission public hearing process.

Commissioner Sauls remarked that if the Board does not change the process and continues with the three public hearings, Commissioners should attend to ensure there is a quorum.

Commissioner Rackleff moved and was duly seconded by Commissioner Sauls to approve Option 2: Do not approve the change in process and retain the existing process.

The following citizens appeared:

Becky Subrahmanyam, 1257 Cornerstone Lane, supported the motion on the floor.

Zoe Kulakowski, 1320 Blockford Court W, agreed with the motion on the floor. She stated that the Planning Commission meets in the morning and many citizens, because of full-time jobs, cannot be at the meetings.

Carol Kio-Green, 4823 Sullivan Road, suggested cutting back to only one cycle.

George Lewis, 203 Gadsden St. #6, encouraged the Board to deny the request to shorten the public hearing process.

The motion carried unanimously, 7/0.

11. Approval to Amend the Tallahassee Memorial HealthCare (TMH) Certificate of Public Convenience and Necessity (COPCN)

The Board approved Option 1: Approve the amendment to Tallahassee Memorial Healthcare's Certificate of Public Convenience and Necessity to allow transport of adult patients who do not meet medical necessity criteria as established by the Center for Medicare and Medicaid Services, from Tallahassee Memorial Healthcare to other local or regional facilities, with the prior approval of Leon County Emergency Medical Services.

12. Acceptance of Leon County Emergency Medical Services (LCEMS) Third Quarter Status Report

The Board approved Option 1: Accept the Leon County Emergency Medical Services status report for the third quarter of calendar year 2004.

13. Acceptance of Florida Department of Community Affairs Grant and Approval to Sub-Contract with the Capital Area Chapter of Red Cross

The Board approved Options 1, 2, and 3: 1) Accept the Florida Department of Community Affairs Grant in the amount of \$28,000 and authorize the Chairman to execute; 2) Approve the agreement with the Capital Area Chapter of the American Red Cross and authorize the Chairman to execute; 3) Adopt the attached resolution and associated budget amendment.

14. Update on Bradfordville Agreements and Associated Issues

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

15. Acceptance of Five Conservation Easements

The Board approved Option 1: Approve and Accept for recording the five conservation easements. (This is consistent with the Environmental Management Act and the grantors of the conservation easements are: 1) Robert Wyche and Theresa Cofield; 2) McKinley Smith, Jr., 3) Faith Ventures, Incorporated; 4) St. Paul Primitive Baptist Church; 5) New Covenant Holy Temple, Inc.)

16. Request to Schedule an MIS Technology Update Workshop for Tuesday, March 22, 2005 from 2:00 – 4:00 p.m.

The Board approved Option 1: Schedule an MIS Technology Update Workshop for Tuesday, March 22, 2005 from 2:00 – 4:00 p.m.

17. Approval of Continuing Supply Agreement with First Call Truck Parts, Inc. for Automobile, Truck and Heavy Equipment Filters

The Board approved Option 1: Approve the continuing supply agreement with First Call Truck Parts, Inc., for automobiles, trucks, and heavy equipment filters and authorize the Chairman to execute.

18. Approval of the Release of the Performance Agreement and Bond and Acceptance of the Maintenance Agreement and Bond for the Hopkins Crossing Subdivision

The Board approved Options 1 and 2: 1) Approve the release of the Performance Agreement and Bond for Hopkins Crossing Subdivision; 2) Accept the Maintenance Agreement and Bond for the One Time Payments of \$367,517.75 and \$160,000 for maintenance of the Stormwater Management Facility.

19. Approval of the Plat of Hampton Creek, Phase One, Subdivision, Acceptance of a Performance Agreement and Surety Device, and Authorization for Staff to Record in Public Records Upon Final Review and Approvals by Staff

This item was removed from the agenda.

20. Approval of One-Year Extension to the County's Federal Lobbying Services Contract with Patton Boggs, LLP

The Board approved Option 1: Approve a one-year extension to the existing contract with Patton Boggs, LLP for the provision of federal lobbying services during 2005, for a sum of \$50,000 and authorize the County Administrator to execute this contract extension.

21. Approval to Initiate a Comprehensive Plan Amendment in Cycle 2005-2 to Eliminate Development Options Associated with the Closed Basin Provisions of the Lake Protection Future Land Use Category

This agenda item requests Board approval to initiate a Comprehensive Plan Amendment in Cycle 2005-2 to eliminate development options associated with the closed basin provisions of the Lake Protection Future Land Use Category (Attachment #1).

Commissioner Winchester explained that the amendment was discussed and initiated to close the Lake Protection loophole in the Lake Jackson area. At the last meeting, Commissioner Winchester asked to have a draft amendment prepared for the Board's consideration to be included in the 2005-2. Staff brought back a Comprehensive Plan amendment to put forth a provision to clear up some of the confusion in regards to Lake Protection category that allows mixed-use. This is an amendment to address the mixed-use concerns. There would be an opportunity to take the issue through the public hearing process so people could express their views.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff, to approve Options 1 and 2: 1) Approve the initiation of a Comprehensive Plan Amendment in Cycle 2005-2 to remove the closed basin provisions of the Lake Protection Future Land Use category; 2)

Schedule the adoption of any applicable revisions to Section 10-192 of the Land Development Code to be concurrent with the adoption of amendments to the Comprehensive Plan in Cycle 2005-2 related to the Lake Protection Future Land Use category.

The following speakers appeared:

Nancy Linnan of Carlton Fields, Esq., 215 South Monroe Street, appeared and spoke against the motion, stating that it would affect litigation.

George E. Lewis, 203 N. Gadsden Street, #6, suggested going forward with the item and addressing concerns at the adoption hearing.

In response to Ms. Linnan's concerns, Commissioner Winchester stated that it was not his intent to make this amendment retroactive. He clarified that the problem needs to be addressed even in consideration of the litigation.

Commissioner Rackleff reiterated Commissioner Winchester's sentiments. He summarized that it could take a long time for the litigation to end, and in the meantime, there is a glaring problem in development regulation near Lake Jackson. Commissioner Rackleff suggested they solve the problem and ensure subsequent proposals meet new and more stringent requirements.

Commissioner DePuy stated that the timing on this amendment is precarious, and he opposed the motion.

Commissioner Grippa agreed with Commissioner Winchester's point, emphasizing the importance of dealing with future applicants. He asked the County Attorney if there is another legal way to go about dealing with future applicants. The County Attorney stated that it would be possible.

Commissioner Grippa asked the maker of the motion to withdraw the motion to allow the County Attorney to come up with a methodology.

Commissioner Grippa proposed an amendment to direct the County Attorney to develop language so that approval of the motion will not affect present litigation, only future applicants. Both the maker of the motion and the seconder accepted the amendment.

Chairman ThaelI asked if there is an approach to resolve the issue of applications that arrive before the Comp Plan amendment is set in place.

County Attorney Thiele replied that there is always a moratorium.

Becky Subrahmanyam, 1257 Cornerstone Road, supported the motion. She voiced concern about the entire closed basin issue and questioned whether the analysis is scientifically sound.

Ms. Linnan suggested working with the County Attorney to effectuate a grandfathering of Arbor Hills and the Board concurred.

The motion carried unanimously, 7/0.

The Board then entered public hearing discussion Item 30.

22. Approval to Amend the Official Zoning Map Rezoning Parcel #14-27-20-210-0000, Property Adjacent to Bull Run Planned Unit Development, from Target Planning Area (TPA) to C-2, General Commercial

The Board approved Options 1 and 2: 1) Approve the drafting of an Ordinance amending the Official Zoning Map rezoning parcel #14-27-20-210-0000 from Target Planning Area (TPA) to C-2, General Commercial District and the adjacent portion of Millstone Plantation Road from R-3 Single Family Detached, attached Two-Family Residential Zoning district to C-2, General Commercial District; 2) Schedule a public hearing to adopt a proposed ordinance amending the Official Zoning Map to rezone parcel #14-27-20-210-0000 from TPA to C-2, General Commercial district on Tuesday, January 25, 2005, at 6:00 p.m.

23. Approval of Agreement with the Ingram Group, LLC in the Amount of \$957,000 for Renovations and Modifications to the Growth and Environmental Management Building

This agenda item seeks Board approval of the Agreement for the renovations and modifications to the Department of Growth and Environmental Management (GEM) building with The Ingram Group, LLC in the amount of \$957,000 (Attachment #1).

Commissioner Grippa opined that the Board needs additional information, and he asked what the appraised value of the building the County is putting \$1 million into is.

Administrator Alam responded that staff provided that information to the Board. Ms. Dressel stated that the DOT had the building appraised and it came to \$2.75 million. Commissioner Grippa stated that he does not think the building is worthy of a \$1 million investment.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff, to approve Option 2: Do not approve the agreement with The Ingram Group, LLC for renovations and modifications to the GEM building.

Commissioner Rackleff also stated that the building is not worthy of a \$1 million investment. He added that the State plans to release 15-20 buildings of various sizes in the downtown area, and he believes the County can find comparable or better space.

The Board engaged in a lengthy discussion on the pros and cons of renovating the GEM building including: appraisal for sale of the building, location and accessibility of GEM at the present location; leasing space; whether the GEM is worth renovating; exploring the availability of state buildings for GEM to relocate.

The County Administrator explained that selling the building may not produce \$2 million, and they may not be able to acquire 30,000 SF downtown.

Commissioner DePuy questioned what harm would be done if they delay action until they see what the State does.

The Board engaged in additional discussion and concurred to add to the motion: Staff was instructed to bring back options such as leasing space, purchasing the building, availability of state offices for lease or purchase and City of Tallahassee space availability, in approximately 45 days, prior to the time the bid runs out.

The motion carried unanimously, 7/0, with additional staff direction.

General Business

25. Adoption of Amendments to Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners, "Relating to the Procedure for Scheduling a Matter on the Agenda that Requires a Public Hearing

This item is to consider the adoption of amendments to Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," relating to the procedure for scheduling a matter on the agenda that requires a public hearing.

County Attorney Thiele summarized the issue and the concerns regarding GEM's and Planning's public hearing scheduling process. He distributed a revised version of the proposed Amendments that added the following language to Section V (K): This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda pursuant to County Code and general law.

Commissioner DePuy moved, seconded by Commissioner Sauls, to approve Option 1: Adopt the amendments to Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners" as revised.

Commissioner Grippa requested the maker of the motion accept an amendment to include language emphasizing that zoning and site development approvals be placed on the agenda by staff only.

The County Attorney stated that the intent of Commissioner Grippa's amendment would be achieved by inserting "...which are placed on the agenda by staff, pursuant to..."

The maker and seconder of the motion accepted the amendment.

The motion carried unanimously, 7/0, with the amended language.

See attached Policy:

Board of County Commissioners Leon County, Florida

Policy No. 01-05

Title: Rules of Procedure for Meetings of the Leon
County Board of County Commissioners

Date Adopted: December 14, 2004

Effective Date: December 15, 2004

Reference: Robert's Rules of Order Revised

Policy Superseded: Policy No. 92-11, "Citizen Inquiry Processing," adopted
September 8, 1992; Policy No. 01-05, "Rules of Procedure for
Meetings of the Leon County Board of County Commissioners,"
revised September 17, 2002; Policy No. 01-05, "Rules of
Procedure for Meetings of the Leon County Board of County
Commissioners," revised January 13, 2004

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised Policy No. 01-05 is hereby adopted. It is the policy of the Leon County Board of County Commissioners that these Rules of Procedure shall govern all official meetings of the Board of County Commissioners. The members of the Board, County Administrator, County Attorney, staff, and the public shall adhere to these rules, to wit:

I. Governing Rules.

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order Revised* in all cases in which they are applicable.

II. Open to the Public.

- A. Meetings Open to Public. All meetings of the Leon County Board of County Commissioners shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.
- B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S., meetings regarding risk management claims, Section

768.28(15), F.S., and litigation meetings pursuant to Section 286.011(8) F.S. The Board shall follow all statutory requirements for exempt meetings.

- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
- D. Accessibility. All meetings of the Commission will be conducted in a publicly accessible building.
- E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

III. Quorum.

- A. Quorum. A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present or, if required by the Florida Statutes, an extraordinary majority vote of the members present.
- B. Remaining in Chambers. During a Board meeting, Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item.
- C. Conflict of Interest. Any member of the Commission who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- D. Loss of Quorum. In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- E. No Quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

IV. Presiding Officer.

A. Chairman. The Presiding Officer is the Chairman of the Leon County Board of County Commissioners. The Chairman presides at all meetings of the Board. The Chairman's responsibilities shall include, but not be solely limited to:

1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
2. Announce the business to come before the Board, in accordance with the prescribed order of business.
3. Recognize all Commissioners, the County Administrator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chairman and restated by him or her, and he or she declares all votes. The Chairman shall repeat every motion and state every question coming before the Commission, and announce the decision of the Commission on all matters coming before it.
4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
5. Call to order any member of the Board who violates any of these procedures and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.
6. Expedite business in every way compatible with the rights of the members.
7. Remain objective. For the Chairman to make a motion, the gavel must be relinquished. Based upon these Rules & Procedures, the gavel shall be relinquished in the following order:
 - (a) to the Vice Chair;
 - (b) to other Commissioners based upon seniority.

The "Rule Against Chair's Participation in Debate" states that the presiding officer who relinquishes the chair should not return to it until the pending main question has been disposed of, since he or she has shown himself or herself to be partisan as far as that particular matter is concerned.

8. Declare the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.

- B. Vice Chairman. In the absence of the Chairman or in the event of the Chairman's inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until the Chairman's return to the County or recovery and resumption of duty.

V. Order of Business.

- A. Official Agenda. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.
- B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the County Administrator in appropriate form approved by the Commission. The County Administrator shall make available to the Commissioners a copy of the agenda before the meeting. All support information for agenda items shall be available no later than the morning of the business day before the regular meeting. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting.
- C. Agenda Format for Regular Meeting. The agenda format for a regular Commission meeting shall be in substantially the form as set forth below:
 1. Call to Order, Invocation and Pledge of Allegiance
 2. Awards and Presentations
 3. Consent
 4. Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)
 5. General Business
 6. Scheduled Public Hearings, 6:00 p.m.
 7. County Attorney
 8. County Administrator
 9. Citizens to be Heard on Non-Agendaed Items
 10. Discussion Items by Commissioners
 11. Adjourn
- D. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County

Attorney may withdraw an item from the consent agenda, provided that such request is made in writing 24 hours (excluding holidays) before the subject meeting, and it shall then be voted on individually.

E. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by Commission), there shall be no debate and no action by the Commission.

F. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

G. Scheduled Public Hearings, 6:00 p.m. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a six (6) minute time limit when speaking on issues scheduled for public hearing. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

H. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the "Citizens to be Heard on Non-Agendaed Items" (6-minute limit), there may be debate by the Commission, but the Commission shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Board.

I. Discussion Items by Commissioners. On the portion of the agenda designated at "Discussion Items by Commissioners," no assignments shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each commissioner during his or her "discussions items" time shall be limited to no more than three (3) minutes, unless the Chairman extends the time.

J. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.

K. Placing Items on Agenda. With the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, the Administrator, or the County Attorney. When a

Commissioner wishes to place a matter on the agenda, the Commissioner shall raise the matter at a regular Commission meeting, and seek the Commission's consent for inclusion of the matter on the next available regular agenda. A Commissioner may not unilaterally add a matter to an agenda without the Commission's prior approval.

Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Commission. Upon the Commission's approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed by staff on the agenda pursuant to County Code and general law.

L. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.

"Add On" agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Commission only in exigent circumstances, for issues that are time critical or cost sensitive to the County. For such matters, the Chairman, County Administrator and County Attorney should be consulted in advance of the meeting to approve of the "Add On" agenda item. If the "Add On" agenda is approved, the Agenda Coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the County's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the Commission may be called by the Chairman upon adequate notice being provided under Section 286.011, Florida Statutes.

M. Announcing Agenda Items. The Chairman shall announce each item on the agenda. The County Administrator or County Attorney shall then present the item to the Board.

VI. Parliamentary.

The County Attorney shall act as parliamentarian and shall advise and assist the Chairman in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the parliamentarian shall refer to *Robert's Rules of Order Revised* on all rulings.

VII. Rules of Debate.

A. Decorum.

1. Every Commissioner desiring to speak should address the Chairman, and upon said recognition by the Chairman, should

confine discussion to the question under debate, avoiding all personalities and indecorous language.

2. Commissioners shall refrain from: attacking a member's motives; speaking adversely on a prior motion not pending; speaking while the Chairman or other Board members are speaking; speaking against their own motions; and disturbing the Board.
3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said member shall be at liberty to proceed.
4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chairman.

B. Motions.

1. A motion and a second to the motion is to precede any action on an agenda matter unless there are speakers to be heard on the agenda matter.
2. All motions shall be made and seconded before debate.
3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to: adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned.
4. Any Commissioner may move to close debate and call the question on the motion being considered which shall be non-debatable. A successful vote on the motion to close debate will end discussion of the item. The Commissioner moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.
5. If the Chairman wishes to put forth or second a motion, he or she shall relinquish the Chair to the Vice Chairman until the main motion, on which he or she spoke, has been disposed.
6. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.

- C. Motions to Amend. An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve

as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chairman, or another Commissioner through the Chairman, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

VIII. Voting.

- A. Voice Vote. Unless otherwise directed by the Chairman, all votes shall be taken by voice.
- B. Tabulating the Vote. The Chairman shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote "aye" or "nay."
- C. Voting. Every member who was in the Commission Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote "aye" or "nay" by voice, his or her silence shall be counted as an "aye" vote.
- D. Absent for Vote; Changing Vote. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.
- E. Voting Conflict. No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that Commission meeting, the Commissioner shall file with the Clerk a Form 8B "Memorandum of Voting Conflict" which describes the nature of the

interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.

- F. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

IX. Citizen Input: Addressing the Board of County Commissioners.

- A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourage citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.

- B. Non-Agendaed Inquiries.

1. At regularly scheduled County Commission meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as "Citizens to be Heard on Non-Agendaed Items." The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chairman extends the time. Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each speaker at the second comment period shall be limited to no more than six (6) minutes. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.
2. Any citizens who have non-agendaed inquiries at regularly scheduled County Commission meetings will be directed to prepare a Citizen Inquiry Form to gain all the necessary information.
3. The matter will then be addressed by staff in the ensuing days, and the County Administrator or County Attorney shall report back to the Board of County Commissioners by written memorandum.
4. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Administrator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.

5. This procedure shall not be used if "appeal" mechanisms already exist to address the inquiry.

C. Citizen Input on a Matter Pending Before the Commission. Each person who addresses the Commission on an agenda item pending before the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than six (6) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.

D. Public Input at Workshops. Time shall be allotted at the beginning of Commission Workshops for public comments. Each person who addresses the Commission shall complete a citizen's input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than six (6) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.

E. Addressing the Commission.

1. When the person's name is called, the person shall step up to the speaker's lectern and shall give the following information in an audible tone of voice for the minutes:
 - (a) name;
 - (b) place of residence or business address;
 - (c) if requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.
2. All remarks shall be addressed to the Commission as a body and not to any member thereof.
3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairman. No question may be asked except through the Chairman.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to

consider. No person may speak more than once on the same subject unless specifically granted permission by the Chairman.

F. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chairman or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chairman, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.
3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

X. Adjournment.

No meeting should be permitted to continue beyond 11:00 P.M. without the approval of a majority of the Commission. A new time limit must be established before taking a Commission vote to extend the meeting. In the event that a meeting has not been closed or continued by Commission vote prior to 11:00 P.M., the items not acted on are to be continued to 9:00 a.m. on the following day, unless state law requires hearing at a different time, or unless the Commission, by a majority vote of members present, determines otherwise.

26. Adoption of Proposed Policy, Amending Policy No. 01-06, "County Commission Projects Requiring Commitment of Staff Time"

This issue is whether to amend and expand the Board of County Commissioners' Policy No. 01-06, entitled "County Commission Projects Requiring Commitment of Staff Time" (Attachment #1).

County Attorney Thiele summarized the proposed, amended Policy, which clarifies the roles and responsibilities of the County Administrator and County Attorney when called upon by individual Commissioners to provide assistance on individual Commissioner items or positions on an item. A paragraph has been added that essentially prohibits the use of the County Attorney or the County Administrator and their respective staff for individual Commission items.

Commissioner Grippa stated that the Ordinance is too general and that the intent of the Board is to make sure that any legal opinions provided on behalf of one Commissioner would not contradict the County Attorney's legal opinion as provided to the Board. The distinction being that the County Attorney should advise the Board as a whole rather than as specific individuals. Commissioner Grippa stated that the point is not to limit a Commissioner from contacting staff regarding constituent concerns, but to address concerns about the County Attorney's office producing opinions in writing.

Chairman ThaelI clarified that the County Attorney's office only has one opinion. He stated that any one Commissioner could ask the County Attorney to disclose the rationale supporting that Commissioner's opinion and that Commissioner could take notes him/herself. He disclosed that in the past the County Attorney wrote opinions for a Commissioner, the opinions were not that of the County Attorney's office.

Commissioner Sauls stated that she does not want to put the Board in a position inhibiting them from approaching staff.

After discussion, the Board consensus was that the Policy was too general, limiting Commissioners' access to County staff, County Attorney and County Administrator.

County Attorney Thiele suggested the wording "...should not produce work product that is not in accord with the Board of County Commissioners."

Chairman ThaelI clarified that individual Commissioners should not hold up a document and say that it is the opinion of the County Attorney.

Commissioners continued discussion regarding the kinds of issues – routine questions or maintenance requests – a Commissioner can direct the County Administrator and/or County Attorney to commit staff time to.

Commissioner Grippa moved, seconded by Commissioner Sauls, requesting the County Attorney to draft a Policy that gives sufficient leeway to address Board concerns and provides accessibility to the County Attorney's office and County Administrator by all Commissioners, yet prevents documents or other issues being written that could be used against the County.

Commissioner Proctor suggested language that addresses the County Administrator's and/or County Attorney's responses to a Commissioner when there are inconsistent policy interests.

Commissioner Grippa reiterated his motion requesting consideration of the language proposed by Commissioner Proctor and Commissioners' concerns.

The motion carried unanimously, 7/0.

27. Ratification of Board Actions Taken at the November 30, 2004 Workshop on the Transportation CIP and Orange Avenue

This item seeks ratification of Board actions taken at the November 30, 2004 workshop on the Transportation CIP and Orange Ave. (Attachment #1).

The County Administrator provided a recap of the Board actions at the workshop. At the workshop, staff disclosed that there is not enough funding to do all of the projects listed in the CIP. At that time, the Board decided to delay the project on Tharpe St.

Speaker, Carol Kio-Green, 4827 Sullivan Rd., reminded the Board that Tharpe Street Project goes back to early 1990s, and she opposed local tax dollars going toward improving/widening State roads.

Commissioner Winchester moved, duly seconded by Commissioner Grippa, to continue with the Mahan Phase II project, delay the Lafayette Street project and Buck Lake Road project and use those funds toward the Tharpe Street Project.

The County Administrator clarified the reallocation of funds - \$7 million from Buck Lake Road, \$4.5 million from Lafayette Street, added to the \$5

million in surplus. He recommended that \$2 million remain in the Buck Lake Road project for intersection improvements.

Commissioner Winchester amended his motion to include \$2 million for Buck Lake Road intersection improvements.

Chairman Thaelle requested, without objection, that staff bring back an analysis of the 67 Florida counties use of the additional 5-cent local option fuel tax.

There was lengthy Board discussion, debating the merits of Mahan Drive, Buck Lake Road, and Tharpe Street projects. The discussion included the following issues:

- Status of right-of-way acquisition for Mahan Drive, Buck Lake Road, and Tharpe Street projects
- Addressing traffic congestion, condition of road, concurrency, and status of Buck Lake Road
- Commitments, approved as part of Blueprint and Interlocal Agreement, regarding widening of Mahan Drive to four-lane from Dempsey Mayo to I-10
- Amount of dollars available to complete projects
- Timeline for completion of projects
- Advanced funding reimbursement from State DOT
- Mahan Drive and Tharpe Street Projects would be equitable because one project on east side and one on west side
- Additional five-cent gas tax

Commissioner Rackleff moved a substitute motion, seconded by Commissioner DePuy, to continue with the Buck Lake Road Project, and reallocate the \$4.5 million from Lafayette Street to Tharpe Street.

Commissioner DePuy later withdrew his second; therefore, the substitute motion failed for lack of a second.

Board discussion continued.

Speakers:

- Mr. Quilman, 1900 S. Park Way, Buckwood Neighborhood, supported the substitute motion.
- Lamar Bailey, 4475 Buck Lake Rd., Fallschase, offered donating the right-of-way for Buck Lake Road now but not in the future.
- Zoe Kulakowski, 1320 Blockford Ct. West, Buck Lake Alliance, stated that the intersection at Mahan Drive and Capital Circle is the real problem backing-up traffic.

- Devoe Moore, 3550 Mahan Dr., supported the Mahan Drive and Buck Lake Road projects.
- Dorothy Spence, 3982 Chaires Crossroad, stated that Buck Lake Road is congested and double lines prohibit passing.
- Becky Subramanyam, 1257 Cornerstone Lane, supported the original motion.
- John White, 4929 Buck Lake Rd., opposed the motion and supported the Buck Lake Road Project.

Board discussion continued. Commissioner Winchester amended his motion to include \$3- \$3.5 million (additional \$1 - \$1.5 million from \$5 million surplus dollars previously directed to Tharpe St.) for Buck Lake Road intersection improvements at Buck Lake and Pedrick and Mahan Drive.

The original motion carried, 6/1, with Commissioner Rackleff opposed.

28. Acceptance of summary report on the Killearn Lakes Units 1 and 2 Municipal Sewer Study and Approval of the Amendment to the Agreement with Post, Buckley, Schuh, and Jernigan (PBS&J) to Design and Provide Construction Services for a Low Pressure Sewer System in the Amount of \$544,000

This item seeks acceptance of the Summary Report on the Killearn Lakes Units 1 and 2 Municipal Sewer Study (Attachment #1), and approval of the amendment to the Agreement with Post, Buckley, Schuh, and Jernigan (PBS&J) to design and provide construction services for a low pressure sewer system for Killearn Lakes Units 1 and 2 in the amount of \$544,000 (Attachment #2).

Commissioner Rackleff opposed spending \$544,000 on a sewer system with unsettled details such as: who will own it, who will operate it, and how many homeowners have committed to contribute.

The Board entered brief discussion.

Commissioner DePuy moved to call the question, duly seconded by Commissioner Grippa and carried, 6/1, with Commissioner Rackleff opposed.

Commissioner Grippa moved, seconded by Commissioner Winchester, to approve Option 1: Accept the summary Report on the Killearn Lakes Units 1 and 2 Municipal Sewer Study, approve the Amendment to the Agreement with Post, Buckley, Schuh and Jernigan (PBS&J) to design and provide construction services for a Low Pressure Sewer System in the amount of \$544,000, and authorize the Chairman to execute.

The motion carried, 6/1, with Commissioner Rackleff opposed.

29. Expirations, Vacancies and Appointments to: Chaires-Capitola Recreation Council, Human Services Grant Review Committee, Parks and Recreation Advisory Team, Senior Outreach Advisory Committee, Tourist Development Council, Water Resources Committee, and Woodville Recreation Council.
1. Chaires-Capitola Recreation Council
Commissioner Winchester appointed Elisa Footman.
 2. Human Services Grant Review Committee
Commissioner DePuy reappointed Sharon Dennard.
Commissioner Grippa reappointed Tim Caughlin.
 3. Parks and Recreation Advisory Team
Commissioner Proctor appointed Nat Williams.
Commissioner Sauls continued the appointment.
 4. Senior Outreach Advisory Committee
Commissioner Sauls moved, seconded by Commissioner DePuy and carried unanimously, 7/0, to confirm the nominations of Ms. Dorothy Spence, Ms. Pat Herold, and Ms. Cathy Yoshikawa.
Commissioner DePuy continued the appointment.
Commissioner Proctor appointed D.J. Johnson.
Commissioner Sauls appointed Vinnie Woodliff.
Chairman Thael continued the appointment.
 5. Tourist Development Council
Commissioner DePuy moved, seconded by Commissioner Grippa and carried unanimously, 7/0, to reappoint Mr. Thomas Waits.
Commissioner Sauls moved, seconded by Commissioner DePuy and carried unanimously, 7/0, to appoint Mr. Pat Loony.
 6. Water Resources Committee
Commissioner Grippa continued the appointment.
Commissioner Proctor questioned the purpose of the Committee and suggested they expand the responsibilities. Chairman Thael stated that he would relay Commissioner Proctor's comments to Don Axelrad, Chairman.
 7. Woodville Recreation Council
Commissioner DePuy appointed Trisha Miller.
Commissioner Proctor reappointed Willie "James" Sanford.
Commissioner Winchester appointed Tammy Vickers.

Scheduled Public Hearings, 6 p.m.

30. Continuation of the First of Two Public Hearings to Adopt a Proposed New Chapter 163 Development Agreement Regarding Hopkins Crossing North

County Attorney Thiele updated the Board that staff has requested that the item be continued to the January 11, 2005 at 6:00 p.m. Commission meeting.

Commissioner Proctor moved, seconded by Commissioner DePuy and carried unanimously, 7/0, to continue the First of Two Public Hearings to Tuesday, January 11, 2005 at 6:00 p.m.

31. First Public Hearing on the Intent to use the Uniform Method of Levy, Collection, and Enforcement of Non-Ad Valorem Assessments for the Beech Ridge Trail Sewer Utility 2/3 Project

Administrator Alam stated that there has been a request to continue the item to the January 25, 2005 Regular Meeting at 6:00 p.m.

Commissioner Sauls moved, seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Continue the First and Only Public Hearing regarding Adoption of Resolution of Intent to Utilize the Uniform method of Collection for Beech Ridge Trail Sewer Utility 2/3 Project to January 25, 2005 at 6:00 p.m.

32. First Public Hearing on Centerville Trace 2/3 Paving Project

Commissioner Grippa moved, seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Conduct the first public hearing and adopt the attached Resolution Number R04- authorizing special improvements for the Centerville Trace 2/3 Project.

33. First of Two Public Hearings on Proposed Amendment to the Leon County Flood Protection Ordinance

Commissioner Grippa moved, seconded by Commissioner Rackleff, to approve Option 1: Conduct the first of two public hearings regarding proposed amendments to the Leon County Flood Protection Ordinance and direct staff to advertise the second public hearing for Tuesday, January 11, 2005, at 6:00 p.m. for adoption of the proposed amended Ordinance.

Speaker, Carol Kio-Greene, 4823 Sullivan Rd., stated that if the Board had gone forward with the volume control ordinance, some of the provisions to this Ordinance might not be necessary (i.e. increasing the cost of buildings because the elevation must be higher). If the County had prevented the post-development water from going downstream, thereby increasing the flood zone, there would not have been flooded properties in the future.

Speaker, George Lewis, 203 N. Gadsden St. #6, recommended several edits to the Ordinance. The County Attorney will review.

The motion carried unanimously, 7/0.

34. First and Only Public Hearing on the Fifth Notice of Proposed Change (NOPC) to the Southwood Development of Regional Impact (DRI)

George Gonzalez with the St. Joe Company, 1411 Park Dr., explained that because of land exchange with the State, one parcel is being removed from the DRI, and one parcel is being added to the DRI. He stated that the change consists of taking the property that the State took over on Capital Circle out of the DRI and bringing the property that St. Joe Company exchanged with the State of Florida into the DRI. Mr. Gonzalez stated that they are not increasing the entitlement on the overall DRI, they are merely switching units around. The other changes are minor mapping changes.

Commissioner Proctor stated that the County Administrator will be meeting with St. Joe Company representatives regarding the Woodville Park.

Commissioner Rackleff disclosed that his approval of the substantial deviation is dependent upon the extension of bus service to South Florida.

Commissioner Grippa moved, seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Conduct the First and Only Public Hearing and determine that the proposed revisions to the previously approved Southwood DRI as outlined in the Notification of Proposed Change No. 5 to the Southwood DRI application and subsequent Addendum to the NOPC do not constitute a substantial deviation, and approve the revisions to the implementing Development Order.

Board entered discussion on Consent Item 23

Citizens to be Heard on Non-Agendaed Items (6 minute limit)

- Jeff Robinson, 11850 Miramar Pkwy., expressed concern over the discrepancies between documents related to the installation of hurricane shutters on 77 school buildings and the work that is actually being done in the field.

The Board questioned the quality control of this project. In response to Commissioner Winchester's question regarding shutter inspection, County Administrator Alam stated that the Sheriff's Department Emergency

Management is inspecting the work. County Attorney Thiele state that it is not a legal issue, but he would advise a status report be given.

Commissioner DePuy moved, seconded by Commissioner Grippa and carried unanimously, 7/0, to agenda the item with the County Attorney reporting on the project and what he found in regards to the School Board's action to the January 11, 2005 Regular Meeting.

- Dorothy Spence, 3982 Chaires Crossroad, voiced concern about the inappropriate use of Policy 2.1.9, stating the intent of 2.1.9 is to allow long-time property owners (before 1990) to divide property to provide for heirs. Developers have been contracting with property owners, on the condition that the property owners go through the 2.1.9 process to divide the property. The developers build manufactured homes on the property.

Chairman Thael stated that the misuse of the 2.1.9 process is a concern of the County. The misuse often leads to other problems such as traffic congestion.

Ms. Spence asked about the status of the left turn light at US90 and Chaires Road and the delay of the installation of a traffic light on Chaires Road at the railroad track.

Commissioner Grippa responded that a survey is required prior to moving forward with a traffic light and the County has started the process.

- Carol Kio-Green, 4823 Sullivan Rd., supported the elimination of the 2.1.9 provision. She suggested that the County Attorney provide a Pro/Con sheet on all debatable items, as practiced in St. Johns County. Ms. Kio-Green questioned whether there was a real problem with Lake Jackson, as suggested by Commissioner Proctor.
- Becky Subramanyam, 1257 Cornerstone Rd., recommended that the Board amend the Comp. Plan to prohibit the purchaser of property under 2.1.9 from selling for 2 years.

County Administrator

- Distributed the Board's 2004-05 Priorities

Discussion Items by Commissioners

Commissioner Rackleff

- Requested a Resolution for Mark Weingartner, FSU Professor, author of *Godfather Returns* at the January 11, 2005 or January 25, 2005 Board meeting.

Commissioner Grippa

- Commissioner Grippa moved, seconded by Commissioner DePuy and carried unanimously, 7/0, to agenda a mid-year funding request from PACE Center for \$4,000 on January 11, 2005.

- Commended OMB staff on the FY2003-2004 Annual Performance and Financial Report.
- Commissioner Grippa moved, seconded by Commissioner DePuy, to allow him the opportunity to bring back a proposal from John Lewis, the adjacent property owner, for a market value sale of the Traffic Court Building.

County Administrator provided information on the proposal and stated the reason why he felt it was not a good deal for the County.

Chairman Thaeli opined that it is not the Board's place to negotiate real estate; however, it is the Board's place to give staff direction.

The Board entered discussion.

The motion failed 3/4, with Commissioners Proctor, Rackleff, Sauls and Chairman Thaeli opposed.

Commissioner Winchester

- Commissioner Winchester moved, seconded by Commissioner Grippa, to agenda the issue of Mosquito Control's \$25 backyard spraying fee.

The motion failed 3/4, with Commissioners DePuy, Proctor, Sauls and Rackleff opposed

- Described what a Jake Brake is in relation to the Board's consideration of a Jake Brake Ordinance.

Commissioner Proctor

- Commissioner Proctor moved, seconded by Commissioner Grippa, to agenda the mid-year funding request for the capital City Basketball Classic to be held Dec. 28-29, 2004.

The Board questioned why it is not going through the TDC.

The motion failed 3/3, Commissioners DePuy, Rackleff, and Sauls opposed with Commissioner Winchester out of Chambers.

- Commissioner Proctor moved, seconded by Commissioner DePuy, to agenda a mid-year funding request of \$10,000 from the Tallahassee and African Sister Cities Coalition (TASCC).

Commissioner Rackleff moved a substitute motion, seconded by Commissioner DePuy, to forward the funding request to the TDC. The motion carried unanimously, 7/0.

Chairman Thael

- Chairman Thael notified the Board that the family of the 5-year-old who died in a car accident on Highway 20 on Monday is in need of financial assistance. Commissioner Sauls can take donations to the family.

There being no further business to come before the Board, the meeting adjourned at 9:52 p.m.

APPROVED: _____
Cliff Thael
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court